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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,565	11/20/2001	Stephen R. Bacso	3/2636-10	2982

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EXAMINER

JOHNSON, ALAN M

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 02/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/991,565	Applicant(s) BACSO ET AL.	
	Examiner Alan M. Johnson	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>5/10/02 7/1/02</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: Automated secure logging and reporting in a communications network to improve advertisement targeting by monitoring user interactions and reactions to ad content.

2. The abstract of the disclosure is objected to because 'said collected' (line 5), should be changed to – a collected--. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities: The specification fails to mention any of the reference numbers used in the drawings.

Appropriate correction is required.

Claim Objections

4. Claim 2 is objected to because of the following informalities: in claim 2 line 10, "the secure" should be changed to -- a secure --. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2 and 3 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is vague because it is unclear what is meant by "determining the source for alternate content as described previously" (line 6) to the examiner.

Claim 3 is vague because it is unclear what is meant by "determining the source for alternate content as described previously" (line 8) to the examiner.

In order to advance prosecution on the merits, the phrase "determining the source for alternate content as described previously" is interpreted to be "determining the source for alternate content"

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Ficco (US2005/0166224).

As for claims 1, 4, and 6, Ficco discloses a system, corresponding method and computer readable medium comprising:

a) means (60,65 Fig. 2) for collecting user data related to content targeting (paragraph 26 line 4-5 and paragraph 39)

b) and means (60 Fig. 2) for reporting said collected data to provide improved targeting (a means in 60 reports collected data to 30, paragraph 21 and paragraphs 42-44)

Dealing with claim 5, Ficco discloses a system for automated reporting in a communications network comprising:

a) a micro-decision engine (the ad selection factor generator in combination with the database takes the information gathered about a user and decides which

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advertisement is the best fit for the user 60,65 Fig. 2) for collecting user data (paragraph 26 line 4-5, paragraph 39)

b) a means for transiting the data to head-end components (paragraph 21)

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Ficco in view of Houston (2003/0066070).

With respect to claim 2 Ficco discloses automated reporting in a communications network comprising the steps of:

a) monitoring the programming stream (5 Fig. 2) for opportunities and content descriptors (broadcast feed is the program stream, paragraph 21 and ad segments from the broadcast feed include other selection data paragraph 36);

b) determining the source for alternate content (an alternative to the broadcast feed is the point-to-point feed paragraph 38);

c) matching the opportunity to the available content and the viewer characteristics (paragraph 42-44);

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d) presenting the content to the viewer (paragraph 46);

However, Ficco does not specifically teach updating the secure audit log with the viewing result.

In an analogous art, Houston discloses a communication system comprising updating a secure audit log (1500 Fig. 2) with the viewing result (paragraph 54 line 14 – paragraph 55).

It would have been obvious to one of ordinary skill in the art to modify Ficco's system to include updating the secure audit log with the viewing result, as taught by Houston, for the benefit of ensuring that the privacy of the viewers reactions to the displayed content were kept confidential.

Dealing with respect to claim 3, Ficco discloses automated reporting in a communications network comprising the steps of:

- a) monitoring the programming and content streams for opportunities and content descriptors (see analysis of the rejection of claim 2a);
- b) pre-matching the opportunities to the available content and viewer characteristics (see analysis of the rejection of claim 2c);
- d) determining the source for alternate content as described previously (see analysis of the rejection of claim 2b);

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e) if appropriate, presenting the content to the viewer (see analysis of the rejection of claim 2d);

f) updating pre-matched opportunities for next function invocation (paragraph 42-44);

However, Ficco does not specifically teach updating the secure audit log with the viewing result.

In an analogous art, Houston discloses a communication system comprising updating the secure audit log (1500 Fig. 2) with the viewing result (paragraph 54 line 14 – paragraph 55).

It would have been obvious to one of ordinary skill in the art to modify Ficco's system to include updating the secure audit log with the viewing result, as taught by Houston, for the benefit of ensuring that the privacy of the viewers reactions to the displayed content were kept confidential.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan M. Johnson whose telephone number is (571)272-7916. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on (571)272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AJ



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